IN THE HIGH COURT OF JUDICATURE OF BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 7100 of 2004

Mrs.Merjin Fernandes & Ors. .. Petitioners

versus

Smt.Olive Extross & ors. .. Respondents

...

MJr.M.K. Nesari for the petitoners.

Mr.Y.M. Choudhari for respondents.

CORAM : D.G. KARNIK, J

DATED : 23rd April 2007.

P.C.:

1. This Writ Petition is directed against the order dated 17th April 2004 passed by the learned Judge of the City Civil Court Mumbai dismissing the petitioners application under section 9A of the Code of Civil Procedure.

3. In Solapur Social Urban Co-operative Bank Ltd. Vs. Nigam A. Mannan Beskar & ors. reported in 2006(4) Bom.C.R. 217, I have held that section 9A

of the Code of Civil Procedure stands repealed by reason of the Code of Civil Procedure (Amendment) Act 1999 (Central Act 46 of 1999)and the Code of Civil Procedure (Amendment) Act, 2002 (Central Act 22 of 2002).

4. As the Maharashtra Amendment introducing section 9A of the Code of Civil Procedure itself stood repealed, application under section 9A of the C.P.C itself was not maintainable. Accordingly, Writ Petition is rejected summarily.

(D.G. KARNIK, J)